

**CITY OF MILPITAS PLANNING COMMISSION
FINAL AGENDA FOR JULY 9, 2008
CITY HALL COUNCIL CHAMBERS 7:00 P.M.
455 E. CALAVERAS BLVD., MILPITAS, CA 95035
(408) 586-3279**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. PUBLIC FORUM**

Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

- IV. APPROVAL OF MINUTES:** June 11, 2008
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR (Items with an asterisk *)**

At this time any member of the Planning Commission, member of the audience, or staff may request of the Planning Commission to have any item removed from or added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

IX. PRESENTATIONS

- 1 SOLAR ENERGY TECHNOLOGY:** A presentation on solar energy technology that will be incorporated into the new Humane Society building currently under construction. The presentation will be given by the project's design team.
- 2 BROWN ACT REVIEW:** A presentation by the City Attorney regarding the provisions of the Ralph M. Brown Act, which govern open meetings for local government bodies.

X. PUBLIC HEARINGS

- *3 CONDITIONAL USE PERMIT NO. UA08-0009 and SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0016:** A request to add a 15 foot extension to an existing mono-pole facility located at 1010 Ames Ave. (APN: 086-31-054). Applicant: Matt Yergovich, Crown Castle. Staff Contact: Tiffany Kunsman (408) 586-3283. PJ # 2531. *(Recommendation: Close the public hearing and Adopt Resolution No. 08-029 approving the project subject to Conditions of Approval.)*
- 4 CONDITIONAL USE PERMIT NO. UP07-0001 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0002, CROSSPOINT CHURCH OF SILICON VALLEY:** A request to locate a church facility within a 38,837 square foot industrial building located at 638 Gibraltar Court. (APN: 086-24-030) zoned Heavy Industrial (M2). Applicant: Pastor Andy Ching. Staff Contact: Tiffany Kunsman (408) 586-3283. PJ # 2508. *(Recommendation: Adopt Resolution No.08-033 approving the project subject to the findings and Conditions of*

Approval.)

- 5 **CONDITIONAL USE PERMIT NO. UP08-0010 and SITE DEVELOPMENT PERMIT NO. SA08-0012:** A request for approval of a sign program for the existing building located at 300-500 Abbott Ave. (APNs: 086-06-009, -010, -011, -012) zoned Industrial Park (MP). Five monument signs and 47 building signs are proposed for the site. The main monument sign along S. Abbott Ave. is approximately 25 feet in height. The remaining signs are less than 6 feet in height. Applicant: Steve Hutchison. Staff Contact: Judie Gilli (408) 586-3280. PJ # 2518. *(Recommendation: Close the public hearing and Adopt Resolution No. 08-028 approving the project subject to Conditions of Approval.)*
- 6 **CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0010:** A request to amend a condition of approval to allow seating on the dance floor during restaurant/dining hours and to allow the service of a full range of alcoholic beverages for the restaurant that currently serves beer and wine located at 78 Dempsey Road. No additional changes to the operation or restaurant use are requested. (APN: 088-04-001) zoned Neighborhood Commercial (C1). Applicant: Maria De Jesus Zavala. Staff Contact: Tiffany Kunsman (408) 586-3283. PJ # 2534. *(Recommendation: Close the public hearing and Adopt Resolution No. 08-032 approving the project subject to Conditions of Approval.)*
- 7 **ZONING AMENDMENT NO. ZA08-005:** A request to amend the Zoning Ordinance, the implementing document of the City's General Plan. The amendments include reformatting sections of the code for consistency and consolidating sections to streamline the implementation of the document. Specifically, the amendments include changes to the Definitions, Applications (entitlements), General Provisions, Overlay Districts and Standards sections and the addition of a new section for Special Uses. Staff Contact: Sheldon Ah Sing (408) 586-3278. *(Recommendation: Close the public hearing and adopt Resolution 08-031 recommending approval of amendments to the City Council.)*
- 8 **SPECIFIC PLAN AMENDMENT NO. ST08-001:** A request to amend the Midtown Specific Plan, a long range plan outlining development standards and opportunities for approximately 850-acres located in the midtown area of the City generally bounded by the Union Pacific Railroad lines to the east and north, Abel Street and Elmwood Rehabilitation Center to the west and the City Limits to the south. The amendments include removing references in the text descriptions, policies and figures to the areas now encompassed by the Transit Area Specific Plan, recently adopted by the City Council on June 3, 2008. Staff Contact: Julie Moloney (408) 586-3384. *(Recommendation: Continue item to the June 23rd PC meeting.)*

Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

XI. ADJOURNMENT

THE NEXT PLANNING COMMISSION MEETING IS July 23, 2008

The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

MILPITAS PLANNING COMMISSION SUBCOMMITTEE

The Planning Commission Subcommittee consists of two members (currently Cliff Williams-regular member, Gunawan Ali-Santosa-regular member, Sudhir Mandal-alternate member) of the Planning Commission, who have approval authority for Minor Site Development Permits and other minor project reviews not involving public hearings. **This project review will be held at 6:30 P.M. in the City of Milpitas Committee Conference Room, First Floor, 455 E. Calaveras Boulevard.**

- a. **ADMINISTRATIVE PERMIT NO. AD08-0008:** A request to hold a one day outdoor event for the Popular Science's Virtual Sports Tour to be held on July 18, 2008 between the hours of 10:00 a.m. to 8:00 p.m. at the Great Mall parking lot area near Falcon Drive and Great Mall Drive (APN: 086-24-060) zoned General Commercial (C2). Applicant: Abbey Hoefler. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Approval subject to special conditions of approval.)*
- b. **SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0015:** A request for landscape modifications to the approved landscaping plan to accommodate installation of ground mounted photovoltaic panels to be installed on the Humane Society of Silicon Valley animal facility site located at 901 Ames Ave. (APN: 086-31-006) zoned Heavy Industrial (M2). Applicant: Rick Nicholas. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Approval subject to special conditions of approval.)*
- c. **MINOR SITE DEVELOPMENT PERMIT AMENDMENT NO. MA08-0002:** A request to renovate existing landscaping and hardscape to be achieve LEED standards on the Cisco campus located at 707 Tasman Ave. (APN: 086-02-082) zoned Industrial Park (MP). Applicant: Cisco Systems. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Approval subject to special conditions of approval.)*

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packet are available for public inspection at the Planning Department at Milpitas City Hall, 455 East Calaveras Boulevard, Milpitas, CA 95035 during normal business hours. **FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE,**

CONTACT THE OPEN GOVERNMENT SUBCOMMITTEE

at the City Attorney's office at the Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA 95035.

E-mail: mogaz@ci.milpitas.ca.gov

Fax: (408) 586-3030

Phone : (408) 586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov Select Open Government Ordinance under News Features